

CITY COUNCIL MINUTES

March 10, 2014

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, March 10, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:15 p.m.

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: Interim City Manager Rich Ramirez, City Attorney Michael Colantuono, Administrative Services Director Kim Juran, Fire Chief Mark D'Ambrogi, Community Development Director Will Wong, Senior Planner Reg Murray, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, and Police Chief John Ruffcorn.

CLOSED SESSION

By **MOTION**, add item 5 to the closed session agenda.
Kirby/ Hanley/ Approved 5:0

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Hanley/ Nesbitt/ Unanimously approved by voice

1. Conference with Labor Negotiators (G.C. 54957.6)
Agency Designated Representatives: Rich Ramirez, Patrick Clark
Employee Group: All Bargaining Units

2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))
Name of Case: David Lawicka v. City of Auburn
Names of Parties or Claimants: David Lawicka
WCAB Nos. ADJ8999797; ADJ8911950; ADJ9120637; ADJ9120557;
ADJ9120634 (Workers' Compensation Appeals Board)

3. Conference with Real Property Negotiator (Gov. Code § 54956.8)

Property Address: Vacant lot north of Epperle Lane, west of Interstate 80, and east of Mikkelsen Drive, Auburn, CA 95603 (APN 001-020-052-000)

City Negotiator: Richard J. Ramirez

Negotiating Parties: Aiello

Under Negotiation: Price and terms of payment

4. Conference with Real Property Negotiator (Gov. Code § 54956.8)

Property Address: Old City Hall, 1103 High Street, Auburn

City Negotiator: Richard J. Ramirez

Negotiating Parties: Auburn Chamber of Commerce

Under Negotiation: Price and terms of payment for lease

5. Conference with Legal Counsel; Initiation of **Litigation**: One potential case
G.C. 54956.9(c)

REPORT OUT OF CLOSED SESSION

City Attorney Michael Colantuono reported that the City Council approved adding item number 5 to the closed session agenda regarding the Placer County Supervisors approval of a Costco project and decided not to file a lawsuit but did direct the City Attorney to send a letter to Placer County asking about the County's environmental compliance on the project. He continued to report out of closed session for items: (1) Council received a report and gave instructions to their negotiator, (2) Council ratified the selection of a Worker's Compensation Lawyer to defend the case, (3) direction was given to City Staff to bring back in open session the acquisition costs, and (4) direction was given to staff to negotiation a lease with the Chamber of Commerce. He said Council Member Kevin Hanley recused himself from this item and left the closed session due to potential conflict.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Powers presented a proclamation to members of the American Red Cross.

AGENDA APPROVAL

Council Member Nesbitt asked to move Item 11 (SHAAC Recommendations) to Item 4a as a first presentation, since several members of the public were present for the item. The remainder of agenda was approved as presented by consensus of the Council.

action resulting in increases in CalPERS costs, (2) Costco and Walmart opening just outside the city limits impacting sales tax revenues, (3) SB983 reassigning sales tax revenues from card-lock fueling headquarter locations and (4) additional of a hotel outside of the city limits. He recommended at a minimum, that Council accept the financial status report and direct staff to prepare additional supplemental material for the City to review including a draft of a fiscal policy to address some of these issues and develop strategies.

Kim Juran explained the financial forecast which results in a structural deficit by 2017/2018.

Council Member questions followed regarding: (1) structural deficit forecast, (2) fuel sales tax decrease, (3) small businesses in Auburn, (4) Costco Lease, (5) SB983 status in Legislature, (6) reserve fund level, (7) reliance on fuel sales taxes, (8) CalPERS impact, (9) market absorption analysis, (10) economic development strategy, and (11) transient occupancy taxes.

Tom Dwelle business owner at 2349 Richenbacker Way in Auburn, gave background on SB983 and spoke in opposition of the bill.

Council Member Kirby spoke about the environmental review of Costco. He addressed Council Member Holmes report of the hotel outside of the city limits. He said if North Auburn had been annexed long ago none of this would be a problem.

Council Member Nesbitt spoke about the history of the Board of Equalization action in regards to the SB983 issue. He said the State of California continues to torpedo and sabotage reasonable and fiscally responsible cities.

Council Member Hanley said faced with this financial emergency Auburn must develop a legislative strategy to defeat SB 983 and create an economic plan.

Council recessed for 5 min and returned at 8:55 p.m.

MOTION made by Council Member Holmes and seconded by Council Member Hanley to receive and file the Financial Status Report for the City of Auburn for Fiscal Year 2013-14:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

9. **Planning Commission Priority Review 2014**

Senior Planner Reg Murray made the presentation. He said notable items from the list of the Planning Commission's priorities for the upcoming year include: the General Plan update, Geodatabase and Mapping update, FEP/GP Fee Schedule, 2013-2021 Housing Element Implementation, HOME Grant, Placer County Airport Land Use Compatibility Plan, and Parking Management. He reviewed completed tasks for the past year. He said the Historic Design Review Commission (HDRC) conducted their review of priorities as well. He said they retained their existing items from 2013 and added two new items: Historic Resource Nominations and Workshops with Interest Groups.

Council Member Holmes asked about the staff work on the massage ordinance on the special projects lists and specific recommendations from HDRC.

Council Member Hanley asked if there is a legal reason to update the General Plan, FEP fees, parking study/ parking management, and Baltimore Ravine specific plan status.

Council Member Nesbitt asked about the tree ordinance looked at a few years ago. He also asked about the input for the Airport Master Plan.

Council Member Kirby strongly recommended the discussion of Auburn's "two islands" (airport and treatment plant) to be on the Planning Commission agenda for the interest of not having them as islands only, so that the sphere of influence is not lost.

Mayor Powers asked about the reimbursement agreements in regards to the Baltimore Ravine development agreement.

MOTION made by Council Member Kirby and seconded by Council Member Hanley to receive and file report on Planning Commission Priority's 2014:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

10. **Auburn Airport Lease/ Extension Policy**

Council Member Nesbitt recused himself from this item and left the Council Chambers.

Interim City Manager Richard Ramirez presented the issue. He said prior to 2013 the City treated the leases on a case by case basis. He said in 2013 staff commenced an effort to bring forward a global solution due to the fact that the City lacked an approved airport lease policy. He said the staff effort did not move forward at that time. He said there are different options including: (1) temporarily freeze all requests and work on a global solution, (2) adopt an interim solution that focuses primarily on how to address updated rent figures, or (3) remain on a case by case basis.

Council Member Hanley asked about outreach to the tenants at the airport, past practices and economic development impact.

Council Member Holmes asked about current lease extensions if a freeze is enacted and the possibility for a "grandfather- in" rule.

Council Member Kirby said there should be a consistent transparent policy. He said he would like EDC to look at it and make recommendations to Council. He said leases should be subject to a freeze until a policy is adopted.

Mayor Powers asked about the new policy in regards to existing leases.

Council Member Hanley asked the difference and benefit to the city between the global solution vs. interim solution.

No public comment.

MOTION made by Council Member Kirby and seconded by Council Member Holmes to freeze current airport leases, handling them as case-by-case basis including an appraisal process, request the Economic Development Commission to review elements to create an Interim Lease Policy, with proper outreach to airport stakeholders.

Ayes: Hanley, Holmes, Kirby, Powers

Noes:

Abstain: Nesbitt

Absent:

Council Member Nesbitt returned to the dais at 9:45 p.m.

REPORTS

12. City Council Committee Reports

Council Member Holmes reported that last May the EDC brought forward a work plan for 2013-14 and he said he would like an update to the

Council on what projects have been completed. He also reported that the Placer County Board of Supervisors is considering an item tomorrow regarding the Costco lease. He said part of this involved the relocation of the Senior Center. He said he would like on record that the City of Auburn has concern about what happens to the Senior Center. He reported on the Bud Anderson Monument that has been approved for installation at the Auburn Airport. He said a lease modification needs to be completed for the site.

Council Member Hanley reported that the Government Affairs Committee on SACOG approved a Forestry Efficacy Principal that he put forward to help prevent catastrophic fire. He also reported that he will be attending the Sierra Nevada Conservancy meeting on March 13th to support the fire departments request for funds for the shaded fuel break.

Council Member Nesbitt reported on the Placer County Transportation Planning Agency acting as the Airport Land Use Commission and the approval of the Airport Land Use Compatibility Plan.

ADJOURNMENT

Mayor Powers adjourned the meeting, without objection, at 9:48 p.m.

Bridget Powers, Mayor

Stephanie L. Snyder, City Clerk

CITY COUNCIL MINUTES
March 24, 2014
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, March 24, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:15 p.m.

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: Interim City Manager Rich Ramirez, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Senior Planner Reg Murray, Transit Analyst Megan Siren, Police Chief John Ruffcorn and Police Lieutenant Victor Pecoraro.

CLOSED SESSION

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Holmes/ Unanimously approved by voice

Conference with Labor Negotiators (G.C. 54957.6)

Agency Designated Representatives: Rich Ramirez, Patrick Clark

Employee Group: All Bargaining Units

2. Conference with Legal Counsel (G.C. 54956.9(c))

Initiation of Litigation: One potential case

REPORT OUT OF CLOSED SESSION

Mayor Powers reported that two Council Members would like to meet with Placer County soon to discuss the new Costco.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The Agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve the City Council minutes of 2/24/2014.

2. **Prop 1B Transit Security Grant Program – Emergency Generator for Corporation Yard**

By **RESOLUTION 14-20**, authorize the City Manager and/or Director of Public Works to submit and execute on behalf of the City of Auburn a grant application for the California Transit Security Grant Program.

3. **Signing Authority for the Interim City Manager**

By **RESOLUTION 14-21**, grant bank-card signing authority to Richard J. Ramirez, Interim City Manager.

4. **Letter of Support for Placer County's Probation Department – Application for Smart Probation Grant**

By **MOTION**, approve the letter of support for Placer County Probation Department's application for a Smart Probation Grant.

5. **Donation of Art to the City of Auburn**

Removed from the consent calendar.

6. **Annual General Plan Implementation Work Plan Review – 2013 Calendar Year**

By **MOTION**, adopt the 2013 General Plan Implementation Work Plan and direct staff to submit the Plan to the State Office of Planning and Research and the State Department of Housing and Community Development.

7. **Annual Housing Element Progress Report – Calendar Year 2013 Review**

Removed from the consent calendar.

***** **End of Consent Calendar** *****

By **MOTION**, approve the consent calendar excluding item 5 and 7.
The motion was made by Council Member Hanley and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

7a. **Donation of Art to the City of Auburn**

Council Member Holmes discussed opportunities to display this art by circulating them in a loan type program within the community.

The council members agreed they should be available to the community.

By **MOTION**, accept the donation of 20 framed colored prints from Loreley Hodkin.

The motion was made by Council Member Holmes and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

7b. **Annual Housing Element Progress Report – Calendar Year 2013 Review**

Council Member Holmes asked about the waiting list for the Home Occupied Rehabilitation Program.

Senior Planner Reg Murray explained the application process for the program.

By **MOTION**, adopt the 2013 Housing Element Progress Report and direct staff to submit the report to the State Office of Planning and Development (OPS) and the State Department of Housing and Community Development (HCD). The motion was made by Council Member Holmes and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

8. **Public Comment**

Council Member Holmes commended the Union Pacific Foundation for their involvement in a number of different organizations in the Auburn area.

Council Member Nesbitt congratulated Cheryl Maki on their 30th anniversary of their business, Maki Heating and Air Conditioning.

Richard Anderson, as President of the Auburn Airport Business Park Association addressed the increasing crime at the airport, homeless population, and lack of response by law enforcement. His written statement was entered into the record.

COUNCIL BUSINESS

9. Letter of Opposition to SB 983

Interim City Manager Richard Ramirez presented this item. He reviewed recent revisions to the draft letter.

City Attorney Michael Colantuono spoke about the “warehouse rule” and the Board of Equalization.

Richard Ramirez read the revised letter in the entirety.

Tom Dwelle, Flyers Energy business owner in Auburn, said he supports the revised letter.

Council Member comments followed regarding: (1) signatures on letter, (2) recipients of letter, and (3) the policy committee meeting.

Council Member Hanley requested specific revisions to the letter. He also asked to add a couple people to the list of recipients.

Mayor Powers asked about a possible hiring freeze until this financial situation is determined.

Richard Ramirez said the magnitude of the situation if this bill were to pass, would be a “game changer” for the entire operation.

Council Member comments followed regarding verbiage on the letter.

By **MOTION**, direct staff to send a letter of opposition related to SB 983 with Council Member Hanley’s revisions, copy the two members on the legislative committee and designate attendees to the Ontario, CA League of CA Cities Tax and Revenue Committee Meeting on April 3, 2014 to speak against the passage or League support of SB 983. The motion was made by Council Member Nesbitt and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

10. **Critical Incident Notification Protocol**

Police Chief John Ruffcorn presented this item. He said this document acts as a guide to Directors and the future City Manager on who needs to be notified if a significant event takes place. He said the document is dynamic in nature and should be revisited each year.

Council Member Holmes asked about contact methods, airplane crash notifications, city revenue structural issue notifications and politically sensitive situations.

Council Member Kirby clarified media releases and the FAA definition of aircraft "crashes".

Council Member Hanley spoke about discretion of the City Manager on notifications.

By **MOTION**, approve the proposed Critical Incident Notification Protocol with the revision of bullet point # 3 to read: "Airplane Crash following FAA guidelines for reporting". The motion was made by Council Member Holmes and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

11. **SB 731 Letter of Support**

Police Chief John Ruffcorn presented this item. He said the expiration of this massage industry bill will bring control back to the local level.

Council Member Hanley asked about the allegations against local massage therapists and enforcement. He asked about the League of California's meeting next week in Ontario.

Chief Ruffcorn spoke about the difficulties in enforcement when certification is at the state level.

Council Member Holmes spoke about the League Policy Committee meeting he attended where this was discussed. He asked about our local ordinance that could take jurisdiction over the massage industry.

City Attorney Michael Colantuono said the city has a massage ordinance and it could be enforced immediately if this bill were to sunset. He said it is only enforced at this time to people without a state agency issued license (non-profit agency).

Chief Ruffcorn said this bill will not sunset until 2015, so there will be ample time to review the current ordinance and make any changes as needed prior to the sunset date.

Lisa Worthington, resident of Auburn, spoke of past Planning Commission action regarding "home visits" in the ordinance.

Council member discussion followed regarding in home massage addressed in the ordinance.

Council Member Hanley suggested a balanced letter emphasizing significant changes needed to the law while not putting regulatory burdens on honest professionals in the massage industry.

By **MOTION**, direct the Police Chief to draft a letter of support to the League of CA Cities in regards to the sunset/ significant changes needed to SB 731 and direct Council Member Holmes to deliver the letter on April 4 when he is in Ontario. The motion was made by Council Member Holmes and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

*****City Council recessed for 5 minutes, returning at 7:39 p.m.*****

12. **Historic Design Review Commission's Recommendations**

Matt Spokely and Roger Luebke of the HDRC presented this item. He said the original intent was to discuss and better understand their powers and duties. He said through this process they determined that they had completed many of the powers and duties entrusted in them. He reviewed powers and duties that they created subcommittees on to further review (presentation available in permanent record).

Lisa Worthington, Chair of the HDRC, said looking forward they would like to focus on creating more connectivity with other historic or art focused committees.

Council Member questions followed regarding (1) benefits of registries, (2) historical designation and recognition, (3) Mills Act, (4) Certified Local

Government, (5) inventory of buildings of historical significance, (6) applications received for inclusion on the historic survey, and (7) automatic local listings from national register.

Council Member comments followed regarding (1) the commission's great work and report, (2) homeowner certificate of appreciation, (3) improved website, and (4) better defined duties and responsibilities.

A. By **MOTION**, accept the Historic Design Review Commission's recommendations for information to be displayed on the City's website, which includes an information flyer. Community Development staff will coordinate with Administrative Services staff to complete this project.

B. By **MOTION**, accept the Historic Design Review Commission's recommendations and direct staff to finalize the recognition process to commend those who have restored renovated and/or maintained their property in an exemplary manner.

C. By **MOTION**, accept the Historic Design Review Commission's recommendations and direct staff to finalize the process for recognition signage for those properties designated in the Auburn Register of Historic Sites. The motions were made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

REPORTS

12. City Council Committee Reports

Council Member Hanley reported on the Greater Auburn Area Fire Safe Council Town Hall Meetings to be held in June.

Council Member Kirby reported on Cal LAFCO and the Auburn Cemetery District. He discussed many other issues brought up at the recent meeting.

Mayor Powers asked for the City Manager to arrange a meeting with the County to go over the final details of the regional sewer pipeline.

Mayor Powers also addressed Mr. Anderson's public comment tonight and spoke about an upcoming meeting at the airport. She referred the issue to staff.

Council Member Nesbitt said he would like the Chief of Police to check feasibility of having an officer stationed at the airport.

Council Member Hanley spoke about follow up on items directed to staff.

ADJOURNMENT

Mayor Powers adjourned the meeting at 8:40 p.m. in appreciation of the Historical Design Review Commission.

Bridget Powers, Mayor

Stephanie L. Snyder, City Clerk